I negate and value **morality**. Any moral system is committed to maximizing the liberty of its subjects by punishing those who arbitrarily interfere with the liberty of others. Minimally, theories of justice must try to maintain some form of freedom, because without the ability to exercise one’s rights those rights are rendered meaningless. This fundamental liberty is destroyed when juridical powers are concentrated in the hands of just one person—the only way to limit systematic oppression is to separate the roles of government. **Montesquieu[[1]](#footnote-1)** writes:

Democratic and aristocratic states are not in their own nature free. **Political liberty is to be found** only in moderate governments; and even in these it is not always found. It is there **only when there is no abuse of power. But** constant **experience shows** us that **every man invested with power is apt to abuse it**, and to carry his authority as far as it will go. Is it not strange, though true, to say that virtue itself has need of limits? To prevent this abuse, **it is necessary** from the very nature of things **that power should be a check to power.** A government may be so constituted, as no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits. Though all governments have the same general end, which is that of preservation, yet each has another particular object. Increase of dominion was the object of Rome; war, that of Sparta; religion, that of the Jewish laws; commerce, that of Marseilles; public tranquillity, that of the laws of China: navigation, that of the laws of Rhodes; natural liberty, that of the policy of the Savages; in general, the pleasures of the prince, that of despotic states; that of monarchies, the prince's and the kingdom's glory; the independence of individuals is the end aimed at by the laws of Poland, thence results the oppression of the whole. One nation there is also in the world that has for the direct end of its constitution political liberty. We shall presently examine the principles on which this liberty is founded; if they are sound, liberty will appear in its highest perfection. To discover political liberty in a constitution, no great labour is requisite. If we are capable of seeing it where it exists, it is soon found, and we need not go far in search of it. In every government there are three sorts of power: the legislative; the executive in respect to things dependent on the law of nations; and the executive in regard to matters that depend on the civil law. By virtue of the first, the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third, he punishes criminals, or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other simply the executive power of the state. The political **liberty** of the subject **is a tranquility of mind arising from the opinion each person has of his safety. In order to have this liberty, [the government must ensure that]** it is requisite the government be so constituted as **one man need not be afraid of another.** When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again, **there is no liberty, if the judiciary** power **be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control**; for the judge would be then the legislator. **Were it joined to the executive power, the judge might behave with violence and oppression. There would be an end of everything, were the same man or** the same **body**, whether of the nobles or of the people, **to exercise** those **[all] three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.**

These powers cannot be subject to the whim of just one person, as that would enable arbitrary determinations of his moral desert. A non-arbitrary metric for the determination of guilt is a pre-requisite to any AC impacts because otherwise we can’t claim that someone is deserving of punishment in the first place—we don’t know if a person is actually guilty of repeated domestic violence. Hence, the standard is **maintaining the separation of legal powers**.

It is my contention that vigilantism on behalf of victims of repeated domestic violence fails to maintain the necessary separations between duties of legislating, judging, and enforcing the law. To take the law into one’s own hands is necessarily a determination that one person should be able to try others based on one’s own judgment. The abuse is particularly compounded because battered women have been shown to suffer from psychological trauma, which may significantly affect their judgments of their batterer’ desert. Institutionalized power checks this because there are multiple groups involved and public scrutiny, both of which are absent from the AC world.

1. de Secondat, Charles-Louis, Baron de Montesquieu. *The Spirit of the Laws.* 1754. New York: Cosimo, 2007. 2 vols. Print. [↑](#footnote-ref-1)